

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANDRITZ HYDRO CANADA INC., the successor to VA
TECH HYDRO CANADA, INC.,

Plaintiff,

v.

ROCHESTER GAS & ELECTRIC CORPORATION,

Defendant.

**STIPULATION FOR
PARTIAL DISMISSAL
WITH PREJUDICE
AND MOTION FOR
ENTRY OF FINAL
JUDGMENT**

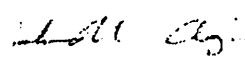
Civil Action No.:
6:20-cv-06772-FPG

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Andritz Hydro Canada, Inc., the successor to VA Tech Hydro Canada, Inc. and Defendant Rochester Gas and Electric Corporation, through undersigned counsel, that the quasi-contract claims of implied-in-fact contract, unjust enrichment, and promissory estoppel, that are the third, fourth and fifth claims of the Complaint (Doc. # 1) (collectively, the "Peripheral Claims"), be **DISMISSED WITH PREJUDICE** pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure and a settlement agreement reached by the parties. All appearing parties, through their counsel, have signed this stipulation.

The settlement reached by the parties ("Settlement") does not resolve the breach of contract claim, the first claim of the Complaint, that was dismissed by the Decision and Order, dated July 21, 2021 (Doc. # 19) (the "Decision"). In order to permit Andritz to appeal the Decision to the extent it dismissed Andritz's purported claim for alleged breach of contract, Andritz respectfully requests, and RG&E does not oppose, that the Court enter final judgment with respect to the Peripheral Claims.


Dated: October 11 2022

WARD GREENBERG HELLER & REIDY PHILLIPS LYTTLE LLP
LLP



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Dated: October 12 2022

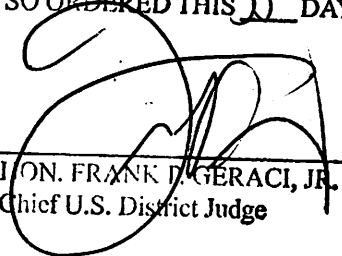


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Dated: October 11 2022

Doc #4359447

SO ORDERED THIS 30th DAY OF Dec 2022



HON. FRANK J. GERACI, JR.
Chief U.S. District Judge